

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.716 OF 1998

The Commissioner of Income-tax,
Bombay City - III, Bombay .. Applicant.
V/s.
M/s.Pidilite Ind. P. Ltd. .. Respondent.
Mr.A.S. Rao i/b. Mr.Pankaj Kapoor for the petitioner.

**CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.**

DATED : 5TH APRIL, 2005.

P.C. :

1. Heard the learned counsel for the applicant.
The Tribunal has referred the question for the
opinion of this Court reading as under :-

Whether on the facts and in the circumstances
of the case, the Tribunal was right in law in
holding that the provisions of section 40(c)
and not those of Section 40A(5) are to be
applied in respect of the salary and
perquisites paid to employee - directors ?

2. The above question has already been answered
by the Division Bench of this Court in the case of
**CIT V/s. Hico Products Pvt.Ltd. (No.1) [(1993) 201
I.T.R. 567 (Bom)]** in favour of the assessee and
against the revenue. In this view of the matter,
question stands answered in affirmative for the
reasons stated in the case of Hico Products (P) Ltd.
Reference, accordingly stands disposed of with no
order as to costs.
